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ESTABLISHED IN 1990 BY THE THURSTON COUNTY RAINBOW COALITION

Well saved!

Activists & others work together to keep the well waters flowing

(Photo by Patricia McClain)

by Janet Blanding

Public outcry over the imminent capping of Olympia's downtown Artesian well accomplished in a few weeks what eluded committed activists for over 15 years: A tentative agreement was reached between the City of Olympia, the Public Utilities District (PUD), Diamond Parking, and the Department of Health to keep the Artesian well in the parking lot near the corner of 4th Avenue and Jefferson Street open indefinitely. The City of Olympia will undertake to pay for the water quality testing required by the state and county health departments, while PUD will perform the testing. According to PUD Commissioner Paul Pickett, Diamond has indicated some interest in selling the lot, raising the possibility of permanently situating the well in its current location.

A group of community activists interested in preserving the downtown Artesian well in the Diamond Parking lot recently formed, filling a void created when the Friends of the Artesians [FOTA] disbanded in November. Called "It's Still the Water," their first public meeting, held on Jan. 17, was attended by 34 people, including Olympia City Councilmembers Joan Machlis and Craig Ottavelli and Thurston County Public Utility District Commissioners Alan Corwin and Paul Pickett. The group intends to incorporate and file for nonprofit 501(c)3 status, and work toward establishing a well as a city park, in a permanent location.

A new beginning

Rachel Carns, the driving force behind the formation of this group, said, "When I saw the post [the notice that the FOTA were disbanding] at the well, I figured somebody would start organizing for action. But nobody came forward....so I did. I am not the 'leader' of this group. I just helped create a space for it to coalesce and grow. Like water, it is perpetually taking shape."

"This is the watering hole of the city," said Vanessa Lott, a Washington Conservation Corps (Americorps) worker, as she stood beside the well on a recent chilly evening. Lott has spent long hours braving the weather to survey users at the well. "People from all walks of life come here."

Lott and co-worker, Joe Kirsch, reported even on January weekdays, about 250 people a day use the well between the hours of 8 am–8 pm. All together, seven Washington Conservation Corps workers are conducting the survey, gathering valuable information about who uses the well, where users come from, and how important the well water is to them. Kirsch said the most interesting thing he's learned from doing the survey is the "absolute diversity" of well users. "There are people driving up in Escalades, as well as a lot of local homeless people who say that the well is their main source of water." The survey showed many of the well users come from Thurston County, not just from within the City of Olympia, meaning the City considers the well a "special interest."

> About 250 people a day use the well between the hours of 8 am–8 pm.

Councilmembers Machlis and Ottavelli have pledged their support, attending meetings and prioritizing well preservation as a council goal for 2009. "There's a lot of community interest in the well," said Machlis. Ottavelli believes "Artesian water is part of our collective identity, and helps to ground us in our history as a community." By most reports, the councilmembers were extremely supportive of both the new activist group "It's Still the Water," and the Americorps workers engaged through the Department of Ecology.

> A tentative agreement was reached to keep the Artesian well open indefinitely

Lott spoke enthusiastically about the council members, calling them "extremely positive and supportive," relating how Machlis brought pizza for the survey takers, who had to work long shifts in cold weather. Machlis, in turn, spoke enthusiastically about the work being done by the Washington Conservation Corps, feeling the data collected will be useful when discussing future plans for the well. Machlis did, however, remark the data might be slightly skewed since well usage is higher in the summer, when wells at people's homes sometimes dry up, as well as during power outages, when electrically powered wells cannot be used.

Bridget Irish, a member of It's Still the Water, was pleased Machlis and Ottavelli chose to attend a meeting, noting they seemed prepared and knowledgeable about the issues. Irish felt "they were extremely supportive of this nascent community endeavor, in terms of a new group forming to take up where the Friends of the Artesians are leaving off." Peter Spotts added "We're hoping the city government will realize the public support and ongoing usefulness of free-flowing Artesian water in our town, so we can get a guarantee for continuing public access to that wonderful water!"

> "This is the watering hole of the city."

Contaminated source?

A few people are more cynical about the councilmembers' participation. One longtime resident, said she has used the well for decades. She expressed doubt that the current efforts on the part of Machlis and Ottavelli, and the newly formed It's Still the Water, would yield results, when the Friends of the Artesians worked for so many years to establish a permanent well, with discouraging results. "The Artesians had a lot of people who were willing to donate labor," she recalled, "but the City Council showed bad faith, and tried to shove them out to the Port."

Others theorized keeping the well open is a good way for these councilmembers to curry favor with the public in the wake of recent public consternation over the isthmus rezone [see Council Karma, page 3] at no political cost. Since the well is both a valued community resource and a cultural landmark, saving it is a good way for councilmembers to polish their haloes without making any enemies. "Every city councilperson wants to be known as the brave soul who Saved The Water," snarked one blogger, posting on a popular local website. Saving the well will undoubtedly increase community goodwill and yield votes in the upcoming November election. And there is no denying that Machlis and Ottavelli's engagement has brought about quick results.

Confronting the future

Jim Ingersoll, a longtime member of the Friends of the Artesians, has no problem with politicians boosting their political capital through stewardship of the well. "The well is a real diamond in the crowd of Olympia, and any politician who 'gets it' is going to be seen more favorably by the public." Ingersoll was happy people came forward to continue fighting for the continued existence of the well. "We're pleased that people care. It confirms what we've known all along about the importance of the well, that the well is a very deep vision that the people have carried for decades, not just the Friends of the Artesians."

The City of Olympia will assume responsibility for the cost of water testing as of March 1 at a cost of approximately $60 per month (FOTA has paid for the monthly testing since 1998). According to Commissioner Pickett, "We have reached an agreement, but things have not been formalized and signed yet." Machlis cautions that, "As with anything, until things are final, issues could emerge that are not anticipated at the moment." There is also pressure from the state Department of Health to find a permanent site for the well. The DOH made progress toward the eventual creation of a permanent, publicly owned well a condition of keeping the well in the Diamond lot free-flowing – It's Still the Water must demonstrate continued progress toward that goal.

Diamond Parking has shown reluctance in the past to sell the lot in which the Artesian well is sited. When Olympians attempted to reach out to Diamond in the past, the owners said they would not be interested in selling at less than market rate prices, or tried to use their leverage as owners of the site of the well to negotiate a parking contract with the city. The lot is currently assessed at a value of $226,550. Recent indications that Diamond might be willing to sell the lot open up the possibility of situating a permanent, publicly owned well at the well's current location.

There was also discussion about creating a public well on Port property but that prospect is marred by ownership issues with the Port, as well as possible contamination issues. Both the county and state departments of health are involved in regulatory issues regarding the well. There are ongoing concerns about water safety and contamination, although testing to date, paid by the Friends of the Artesians for the last 15 years, has not shown any evidence of contamination. Machlis mentioned that in order to approve the port site that has been suggested as a possibility for a permanent well, the Department of Health would have to see one year of testing after drilling before it could be used as a public well. "The water safety and regulatory issues are a factor," Machlis said. "We assume that there are solutions, be we don't have them yet."

Well saved

Carns, who has put much recent effort into keeping the well accessible to the public and will continue to work toward the permanent solution of a publicly owned well, said "There's something very human, almost primordial, about the experience of drinking this water—it connects us literally to the earth beneath our feet. This connection must be protected, respected, even revered. At a time when so much of our natural heritage is being swept away, we cannot afford to lose it."

To join the mailing list for It's Still the Water, email itsstillthewater@googlegroups.com *or visit* itsstillthewater.org.

WORKS IN PROGRESS

Works In Progress is a free, volunteer-operated progressive community newspaper based in Olympia, Washington. Opinions expressed do not necessarily reflect those of *Works In Progress* and are solely those of the authors.

Submissions
Please send text as Word attachments. Artwork and photos can be sent electronically or we can scan them for you as camera-ready/black & white.

WIP reserves the right to publish in whole or part all submissions. For editing purposes, please enclose your phone number.

Articles may be reprinted. Please cite source.

If you don't see your issue being covered in Works In Progress*, it's because you aren't writing about it! (Or aren't finding someone else to cover it!)*

Send submissions to *olywip@gmail.com*. Send event announcements to *wipannouncements@gmail.com*.

Or mail to Works In Progress, PO Box 295, Olympia, WA 98507-0295.

Governing Tool
The following statement is part of the Editorial Policy and is the governing tool for the Anti-Discrimination Clause:

> WIP *will make every effort to work with the contributor of material considered by* WIP *to be offensive in order to reach a mutually agreed upon resolution, but* WIP *reserves the right as a last resort to edit or not print submitted material.*

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"Our aim is to confront injustice and encourage a participatory democracy based on economic, social, and environmental justice. *Works In Progress* is dedicated to providing a voice for those most affected by the exclusionary and unfair practices that seek to silence the oppressed."

Anti-Discrimination Clause
We will collectively endeavor to be sensitive and respectful to all those oppressed in this society, and their issues. However, if and when we should make a mistake in this regard, we expect to acknowledge it and to express regret for injury or insult given.

Back Issues
Some back issues are available in the Timberland Library system. *WIP* is being archived on microfilm by the UW Library.

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ANNOUNCEMENTS/EVENTS

Thurston County Food Bank launches a winter CSA program

Act now to get fresh winter produce! The Thurston County Food Bank is launching a Winter CSA program with Boistfort Valley Farm. CSA boxes will be given away February through May on the third Friday of the month. Ideally, these will go to households of three or more. The produce could include onions, beets, carrots, kale, apples, potatoes, leeks, and more. Priority will be given to low-income families. Please call the Food Bank at (360) 352-8597, or email Lucas at *lucasalejandro42@gmail.com*, for more information.

Culture change, real solutions for peak oil and global warming

Saturday, Jan 31, 7 pm, Last Word Books, 211 4th Ave E.

Green builder, activist and author Alexis Zeigler will present a slideshow and discussion titled "Culture Change, Real Solutions for Peak Oil and Global Warming in Olympia." The presentation is free and will examine current environmental issues and long-term solutions. More information can be found at *www.conev.org* calling (434) 409-6006.

POWER Outage—Everything you wanted to know about the Legislature, but were afraid to ask!

Legislative training and tour of the capitol campus on Monday, February 2, 11 AM at First Christian Church's Payne Room, 701 Franklin Street SE.

POWER (Parents Organizing for Welfare and Economic Rights) can help you understand the legislative process, who your legislators are, and how to talk to them. Making appointments with your lawmakers is easy. Simply call them up, say you are a constituent and would like to meet with them. If you would like, a POWER member will go with you.

Potluck & debrief on Monday, February 2, 5:30–8 PM at First United Methodist Church 1224 Legion Way SE.

We'll debrief from the MLK Day People's Summit and March, talk about upcoming legislation, and learn and practice effective citizen lobbyist skills. Starts with a potluck at 5:30 PM. Onsite childcare and transportation support provided.

Get active. Contact POWER at 701 Franklin Street SE Olympia, WA 98501 360-352-9716 toll free 866-343-971. *welfarerights@riseup*, *www.oly-wa.us/power*, *www.myspace.com/parentsorganizing*.

Unitarian Universalist Immigration Fundraising

Friday, February 20, 7 PM (doors open at 6:30 PM), St. John's Episcopal Church at 19th and Capitol in Olympia. Donations accepted $8-$10.

A benefit for local families impacted by ICE (Immigration and Customs Enforcement) raids, arrests and deportations. Raúl Añorve, an immigrant rights activist from Southern California, will speak about the state of the immigrant rights movement in our country and the responsibility of each of us as individuals to make change in our communities. A local speaker will address the impact of immigration enforcement in our area. Live traditional music and light refreshments available. Please contribute a donation of $8 to $10; any and all amounts are greatly appreciated and will go, in full, to local families affected by ICE.

The evening is hosted by local immigrant rights group Bridges Not Walls (*www.oly-wa.us/bridges*), with support from the Community Sustaining Fund of Thurston County and the OUUC Social Justice Committee.

See article on page 8.

Pacific Life community gathering

Feb.27–March 1, Gwinwood Conference Center, Lacey

Holding its annual conference, the Pacific Life Community (PLC) is a coalition of groups and individuals dedicated to the abolition of nuclear weapons and war. The group began in the 1970s and served as a hub for much of the anti-nuclear activism on the West Coast. In 2006 the coalition was reconstituted, and has since sponsored two retreats and nonviolent direct actions (at Vandenberg Air Force Base last year and at the Nevada Test Site in 2007).

Motarilavoa Hilda Lini, Anabel Dwyer, and Shelley Douglass will be guest speakers.

For complete information about the Pacific Life Community Retreat, including the full schedule and lodging details, visit *pacificlifecommunity.wordpress.com*.

Thurston–Santo Tomas Sister County Association Annual Garage Sale

Saturday, February 28, 9 am to 3 pm, in Lincoln Elementary School's cafeteria, 213 21st Ave SE. Proceeds from the event will help support a tiny public library and children's free lunch program in our sister town in Nicaragua (1988-2009 and still going strong).

Please support these critical projects by donating: collectibles, books, music, cameras, jewelry, tools, clean clothes, toys, framed art, lamps, furniture (no couches) electronics (but no computers, monitors or TVs), small working appliances, gizmos and other clean kitchen items. Your tax-deductible donations can be dropped off at the school cafeteria between 3:30 and 7 pm on Friday, February 27. Plan to come back to the sale the next morning to buy cool stuff at great prices! For more information on donations or to volunteer, call 360-943-5432 or email susan@kavanaugh.com.

The Iraq Memorial to Life (IMtL) is born because you and your organizations have been working hard for peace and to preserve the earth.

Thousands of memorial markers, carefully arranged, will powerfully bring home the full extent of Iraqi deaths to the American public and its legislators. The grieving that has long been a daily part of Iraqi life will be memorialized in our town, and spread outward, community by community, as the display moves across the country. Reactions to both regional and national displays will bring attention to the human suffering caused by the Iraq war.

Special guests will join us to launch the project on the evening of March 19, at Heritage Park. A powerful visual image of gravestones will be erected here in Olympia on March 20, the anniversary of the US attack in Baghdad. Markers will then be shipped to Washington D.C. for a collective display on the National Mall between April 17 and April 29.

Iraq Memorial to Life (IMtL) and your creative contributions

IMtL is asking you to encourage volunteers, peace and church groups to take the lead in creating a local display. Individual statements honoring Iraqi lives lost, including poetry or artwork, may be submitted and representation of tributes will be posted on our website. Be sure to visit the Links page to learn about and support the non-profit organizations offering reparations. Complete instructions on how to make and mail the markers can be found at *www.IraqMemorialtoLife.org*. We ask a minimum $5 contribution to help us cover costs, both locally and in the larger display in DC.

Please visit our website *www.iraqmemorialtolife.org* for more details and contact Kerri Griffis at *kerrigriffis@yahoo.com* if you would like assistance with a marker making session. Send questions to *peace@iraqmemorialtolife.org*.

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Bad karma for the City Council, Olympian, and Triway

by Janet Blanding

The City Council, *The Olympian*, and Tri Vo have succeeded in getting the rezone of the isthmus passed, but it's doubtful that they're celebrating. Rezone karma looks harsh; as the rezone opponents continue to resist the destruction of priceless views, the condo's champions are experiencing apparently unrelated meltdowns, from lawsuits to lay-offs to public consternation over inappropriate council communications. In the meantime, legal action seems to have stalled the rezone's forward motion.

"Emailgate"

The Council has been in hot water over the discovery that most councilmembers have been of sending emails to each other during council meetings, a practice which Timothy Ford of the Attorney General's office has deemed in violation of the Open Public Meetings Act (OPMA). Local activist Steven Segall, exercising his right to a public records request, contacted the AG's office after obtaining the emails, questioning their legality. The story broke in an expose by Terry Knight, published in the now defunct *Sitting Duck*.

Emails ran the gamut, from the frivolous ("I love your hair") to the potentially illegal ("Will you second?"). Councilmember Jeff Kingsbury was probably the councilmember most damaged by the communications that were exposed. While the memory of his calling a citizen testifying before the council an "idiot" on Facebook still lingered, emails sent during official meetings showed him to be prodding other councilmembers to "chime in" or second a motion. He also maligned a citizen as "a coward," and gossiped about his own hair, clothes, and relationship status, as well: "Back on the market!!!!".

In a phone conversation, Ford explained that no enforcement agency exists in Washington state to handle violations of the OPMA. As an ombudsman, he provides advice letters, but "It's up to the citizens to bring a lawsuit." The council's violations of the OPMA were mentioned as a claim and cause of action in a recent lawsuit against the city (*Munro v. Olympia*, see below). Citizens are disgruntled; there has been talk of recall. A Facebook Group called "Olympians for a New City Council, Now" has 67 members (most of whom received friend requests from Joe Hyer on a recent Saturday night), and many people are talking about the upcoming elections in November of 2009: Jeff Kingsbury, Joe Hyer, Joan Machlis and Karen Messmer will all have their seats on the ballot.

Pink slips, resignations at *The Olympian*

Community dissatisfaction with *The Olympian* seems to be increasing as citizens object to the slanted coverage of local politics and obsequious editorials praising the unpopular City Council. People have wondered why *The Olympian* remained silent when the AG's office sent an admonitory letter to Mayor Mah; it was weeks before the *O* covered the issue. Recently, *The Olympian* was humiliated by the publication of an editorial in the *Tacoma News Tribune*, criticizing the council practice of sending emails during meetings, a subject upon which the paper's editorial board had remained conspicuously silent. *The Olympian* finally published a weakly worded editorial, praising Doug Mah for following the advice of the Attorney General's office and counseling the councilmembers to stop violating the law. *The Olympian* is also seeing its staff dwindle, as parent company McClatchy experiences record losses. Both executive editor Vickie Kilgore and publisher John Winn Miller have resigned in recent months, and reporters and other staff members have gotten pink slips, as the recession reduces advertising revenue, and competition from online news services increases.

Triway v. Everyone

Triway's joy at winning the rezone game may have been marred, as well, by recent troubles: in addition to other pending lawsuits, Triway principal Tri Vo must contend with an $8.9 million breach of contract suit filed by a former business partner, Scott Griffin. Griffin claims that Vo failed to make scheduled payments outlined in a Unit Purchase Agreement filed in 2007. Vo's lawyer, Colin Folawn, in turn, declared that his client was not served with the complaint properly and in fact, learned of the lawsuit through a news article in *The Olympian*. Other lawsuits are ongoing, or may soon be filed.

Tumwater resident Skip McConkey is planning to sue Tri Vo over expenses related to flooding of land owned by McConkey which is adjacent to a parcel owned by Vo. Vo pumped water from his 40 acres on the South side of Trosper Road into McConkey's 15 acres on the North side. Conkey was forced to spend over $50,000 to channel water, and lost an opportunity to sell his land at a good price because of flooding issues.

It is also becoming increasingly likely that the city will collect on three bonds, totaling $1,074,784, which were posted to guarantee work at Cooper Crest. After the City sent a letter in October addressing concerns, and threatening to pull the bonds if problems weren't rectified, Triway was given 30 days to remedy issues pertaining to stormwater drainage facilities, stormwater ponds, street trees, landscaping, sidewalks, and other matters. After the 30 days passed, Triway's bond insurance company, Developers Surety and Indemnity Company, claimed it was entitled to 30 days as well.

> Jeannette Hawkins has been insinuating herself into the Ecology approval process since at least early last year.

"Those 30 days came and went," said Cooper Crest resident Karen Veldheer, "then the homeowners wrote a letter to the city saying issues were still not resolved." Hatton Godat Pantier, an engineering firm frequently employed by Triway, wrote a report which was sent to the city; the city in turn said the report was inadequate. As this tug of war continues, deadline after deadline, the bonds have not been pulled, and Cooper Crest residents are frustrated. Some residents feel the city staff is working for Tri Vo's interests, not theirs, although there is hope that the city council will apply pressure, and eventually Triway will "do the right thing."

***Munro v. Olympia*... justice delayed**

An injunction has been filed to halt the rezone of the isthmus area until the feasibility study for turning the area into a park has been completed. *Munro et. al v. City of Olympia* (with the lead plaintiff being former Secretary of State Ralph Munro), was filed, but the hearing has not yet been scheduled.

Attorney Allen Miller reports that Judge Anne Hirsch recused herself, then the court administrator passed on the information that all of the judges in Thurston County Superior Court were going to recuse themselves. Hirsch explained "I know parties on both sides of the case and it didn't feel appropriate for me to hear it, so I recused."

> *The Olympian* was humiliated by the publication of an editorial in the *News Tribune*, criticizing the council practice of sending emails during meetings, a subject upon which *The Olympian*'s editorial board had remained conspicuously silent.

While it is commendable that judges are careful to avoid the appearance of a conflict of interest, it is unfortunate that an issue of such importance, both to the state and the community, has been delayed.

According to Miller, "If they need to find a visiting judge, they should do that sooner than later." Miller explained that the primary purpose of the injunction is to allow the feasibility study to be performed before the property values of the land increase, something which is likely to happen as a result of the rezone. "We want to make sure the 35 foot limit is applied. In our view, the value of the property has been increased by the rezone."

Munro v. Olympia seeks to "stay the effect of the Comprehensive Plan amendment and the Shoreline Master Program Amendment until the feasibility study required by the initiative petition ordinance is completed and all administrative and judicial remedies of the rezone and shoreline decision are exhausted." Given that the city has not yet even sent the SMP Amendment to the Department of Ecology, that could be a long time.

Stalled at Ecology

Now that the Comprehensive Plan Amendment and the concomitant Shoreline Master Program Amendment has been approved by the City Council, the next step is for SMP amendment to be approved by the Washington State Department of Ecology. Former Olympia City Councilmember and Triway representative Jeannette Hawkins has been insinuating herself into the Ecology approval process since at least early last year; on Jan. 17., 2008 she sent an email to Department of Ecology shoreline management planner Randy Davis. The subject line of the email reads "Triway/DT Housing, and the text says, "Hi Randy, We have been forwarded through the CPA [Comprehensive Plan Amendment] docket! The Council is solidly behind us. We have developed a wonderful rendering of our buildings and the view analysis is very instructive. I'm sure we'll be seeing each other in the not too distant future."

Hawkins' confidence that the Council was solidly behind Triway's downtown housing, in Jan. 2008, before any hearings had been held or votes counted is disturbing. Yet confidence and the support of the council may not be enough to push the Shoreline Master Program amendment through Ecology; rezone opponents believe there is an opportunity to block the rezone at this juncture of the process.

Once the Shoreline Master Program amendment is received by the Department of Ecology, it will be evaluated to ensure that it is what Department of Ecology spokesperson Sandra Lange terms "a complete submittal." Ecology will need to ensure that the amendment includes an adequate analysis of public visual access, as the Shoreline Management Act ensures both public physical access and visual access as an important part of its program. Once the submittal is deemed to be complete, notification will be made to persons on the "interested parties list," and there will be a 30 day comment period. (To place yourself on the interest parties list, send your name and street address to Sandra Lange at *slan461@ecy.wa.gov*).

A public hearing on the raising of the height limits on the isthmus may also be held by the Department of Ecology; whether this is deemed necessary is at the DOE's discretion. Lange speculated that a hearing was likely, saying "I would anticipate a public hearing as it's guided by complexity and interest at the public level" - and while there's plenty of argument about the level of public objection to the project, with rezone advocates making frequent references to a "silent majority" that approves, it's indisputable that the issue is both complex and interesting to the public.

Rezone opponents anticipate that objections to the amendment to the Shoreline Master Program (SMP) will fall into three categories. First, it is questionable whether an amendment changing height limits and public visual access to the shoreline can be done in a limited way, as an amendment; the argument can be made that such a change must be part of a comprehensive update to the SMP, which is currently underway, and scheduled for completion in 2011. Second, members of the public will likely argue that the impact of this amendment will not have been sufficiently evaluated – already, the view analysis commissioned by Triway which claims that the massive 90 foot buildings will only degrade 1% of the view has been criticized as biased and inadequate.

It is also likely that many people will argue that the amendment is not consistent with the Shoreline Management Act, which states among other things, that "The public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally."

However, it is uncertain when members of the public will be able to make these and other arguments to the Department of Ecology in the near future. Lange reports that the Department of Ecology has not yet received the SMP amendment from the City of Olympia, and although she has been in recent contact with City of Olympia Senior Planner Jan Weydemeyer, she doesn't know when to expect it.

Friends of the Waterfront still strong

A recent meeting of the Friends of the Waterfront showed the opposition to the rezone to be undaunted by recent events. Turnout at the meetings continues to be strong, another citizen forum is in the planning stages, and various strategies for preserving the height limits on the isthmus are being considered. Close tabs are being kept on the progress of the feasibility study, which is being conducted by Sandy Fischer of Eckbow, Dean, Austin and Williams (EDAW). It is scheduled for completion in March.

The Capitol Park Foundation has begun plans to resume a fundraising campaign after the feasibility study is completed, with an eye to eventually purchasing land on the isthmus. Approximately $60,000 has already been raised. However, according to Jerry Reilly, Foundation Chair, "We suspended aggressively raising funds for acquisition when the Council made its final decision to approve the rezone... in favor of raising money for the legal fund to fight the rezone." Although several attorneys and legal researchers are donating their time to challenge the rezone, there are still costs associated with the legal battle.

And looking to the future, it is likely that members of the public who oppose the rezone will also likely be encouraged to contribute to campaign funds for candidates running for city council, as well.

Finding better councilmembers

Thad Curtz, one of the core members of the Friends of the Waterfront, has pulled

▸ **KARMA** continued on page 8

HAMAS MADE ME DO IT!

How Israel keeps its morality while going ape shit on Gaza

by Phan Nguyen

Another Israeli invasion has officially ended. Ostensibly, it was about the rockets, which happened to be the pretext for previous invasions. Other times, it's been about the suicide bombers. Or it was the captured soldiers. As always, the aftermath is a demolished civilian infrastructure, massive numbers of civilians killed or wounded, even more civilans displaced, claims of Israeli "self-defense" and that "there was no no alternative"—backed by overwhelmingly approved nonbinding resolutions in the US House and Senate, and a UN Security Resolution either vetoed, tabled, or watered down to nothing by the US.

But despite these wars in which Israel supposedly had "no choice" but to initiate — where the invader was the victim and the invaded were the aggressors—the end result, minus a few thousand dead bodies, seems similar. The occupation continues. The occupied grow more embittered. A peace plan seems distant. And despite a renewed but unsustaining period of calm in Israel, the occupier does not act as if it is much more secure.

The mainstream media is unable to reconcile these facts, unable to explain why the fighting continues, which makes it possible for the audience to draw their own conclusions: It's just a cycle of violence. It's just two competing tribes. It's about radical Islam and bloodthristy Arabs.

The problem lies in the discourse. The pretext sometimes changes, but the underlying reasons for the fighting remain untouched. This time, it was about Hamas and the rockets. Before, it was about Arafat and the suicide bombers. Or something about "Israel's right to exist"—an argument as abstract and rhetorical as the "War on terror" or "They hate us for our freedoms." Ignored are the true causes of the fighting: Israel and its occupation of the West Bank and the Gaza Strip.

In the present discourse, Israel has decided to highlight the following two pretexts:

1. Hamas—its antisemitic 1988 charter and it's supposed refusal to accept Israel's "right to exist"

2. Rocket attacks—which has killed 20 people in Israel in its entire history.

Thus, conventional discourse revolves around addressing ridiculous issues such as the Hamas charter, or Hamas supposedly imposing Shari'a law, or what would you do if your hometown was invaded by bottle rockets from Tijuana?

Additionally, the virtue of the fighting revolves around issues of proportionality and finding the *proper* way to deal with Hamas.

The threat of Hamas is elevated to supernatural level. They are wily. They're not afraid to die. It is accepted as a truism that they hide behind civilians—behind women and children and the elderly. It is accepted that they are using hospitals, mosques, and preschools. Because that's what terrorists do. Terrorists are capable of anything. And besides, Israel says so. Everything we need to know about Hamas has been transmitted by way of Israel. (See page 6 for details)

Although Israel holds all the cards in negotiations, the question becomes whether Hamas is willing to negotiate on fair terms.

Although Israel has invaded the Gaza Strip, taking the battle to the Palestinian homes, and boasting of superior firepower and the latest technology, fighting against a guerrilla force, it is Hamas that is accused of not playing fair.

When Israel kills combatants, it takes credit. When Israel kills civilians, it blames Hamas.

When Israel seals the borders, it blames Hamas. When it lets humanitarian aid in, it takes credit.

Despite the fact that there are several armed resistance groups that operate in the Gaza Strip, they are more easily digestible when they are collectively labeled Hamas and demonized as Hamas.

In fact, everything in the Gaza Strip is Hamas. As IDF spokesperson Maj. Avital Leibovich said, "Anything affiliated with Hamas is a legitimate target." Another Israeli military official explained, "There are many aspects of Hamas, and we are trying to hit the whole spectrum, because everything is connected and everything supports terrorism against Israel."

When everything is Hamas, then the storyline is easy. When the rationale for your choice of targets is that "everything is connected," then there is no longer a distinction between civilian and combatant. And Israel has followed through with it, all the while maintaining the moral upper hand.

It is important to broaden the discourse. The purpose of Israel's narratives are to distract. Too often we have to disprove Israel's narratives, and then after disproving it, we have to explain that it is beyond the point.

The real discourse needs to focus on:

1. In the short term, the ongoing siege of the Gaza Strip.

2. In the longer term, the continued occupation of the West Bank and the Gaza Srrip.

3. Continued Israeli intransigence.

Everything else, from the Hamas charter to the "right to exist," is a distraction.

Israel doesn't target civilians?

On Jan. 17, just before Israel ended its invasion, Israeli forces attacked a UN school in Beit Lahiya, just one of several UN installations attacked during the military operation. 1,900 people had sought refuge there. Without claiming that there were Palestinian militants hiding in the school, Israel fired conventional artillery on the school, as well as white phosphorus shells, pictured above.

If a single shell hit the UN school, one could make a case that it was accidental. But multiple artillery shells, multiple white phosphorus shells clearly deployed illegally, the absence of militants in the area, a horrible track record of attacking UN installations, the fact that Israel had the GPS coordinates for the school, and constantly changing alibis makes it difficult to find any plausible defense for Israel in this case.

One must ask how many Palestinian civilians must be attacked and killed before it is accepted that Israel does target civilians.

SOME HANDY STATISTICS:

Years that rockets have been fired from Gaza: 7 or 8
Years that Israel has occupied the Gaza Strip: 42

Israelis killed by rocket or mortar attacks from the Gaza Strip into Israel, ever: 20
Israeli children killed by rocket or mortar attacks from Gaza, ever: 5
Israeli children killed by rocket or mortar attacks since 2007: 0
Palestinian children killed in Gaza by Israeli forces in Operation Cast Lead alone: about 412

Israelis killed by Gazans during the six-month ceasefire: 0
Gazans killed by Israel during the six-month ceasefire: At least 22

Palestinians killed by Israeli forces during Operation Cast Lead: more than 1,300
Israeli civilians killed by Palestinian forces during Operation Cast Lead: 3
Israeli soldiers killed by Palestinian forces during Operation Cast Lead: 6
Israeli soldiers killed by Israeli forces ("friendly fire") during Operation Cast Lead: 4

Rockets and mortars fired into Israel from the Gaza Strip, from the beginning (2001) to Dec. 26, 2008 (just before Operation Cast Lead): 8,216
Shells fired by Israel into the northern Gaza Strip, just from September 2005 to June 2006: more than 7,700

Number of times Hamas has called for negotiating with Israel essentially based on a two-state settlement: 1 zillion*
Number of times this has been acknowledged by Israel: 0

(* not an accurate count, but you get the message)

Closure—the "nonviolent" way of genocide

The crisis in the Gaza Strip is not new. It did not begin with the latest Israeli invasion. And it continues even after the end of Israel's "Operation Cast Lead." The ongoing crisis in the Gaza Strip is "closure."

The closure of the Gaza Strip -- also referred to as a siege or a blockade -- began in 1989, when Israel restricted movement of persons to and from the Strip. In 1991, the restrictions expanded to the movement of goods to and from the Strip, and it has gotten worse since then. In 1996, the World Food Programme was calling the closure of the occupied territories an "unnatural disaster." Note that rocket attacks from Gaza did not even begin until 2001. In 2002, the World Bank declared that "[t]he proximate cause of the Palestinian economic crisis is Israel's closure of the Palestinian territories."

In 2004, a year before the "disengagement" plan was enacted, the World Bank warned that because Israel would still control Gaza's borders, airspace, and coastline, "disengagement would not deliver significant economic benefits," and that predictions of "further Palestinian economic decline" would not change. And, as if tipping Israel off to a great idea, the World Bank warned that "A disengagement process in which labor flows are cut abruptly, the external envelope of Gaza is further restricted to trade, or electricity/water supplies are terminated would seriously worsen Palestinian economic, humanitarian and social prospects." This was a response to suggestions made within the Israeli Cabinet at the time in 2004, and all these steps were eventually implemented.

In January 2006, Hamas won a majority of seats in the Palestinian Legislative Council. Israel decided to punish the population with a siege. Israel also withheld customs duties and taxes collected for the Palestinian Authority. Senior Israeli official Dov Weisglass joked that Israel was making the Palestinians an "appointment with a dietician. The Palestinians will get a lot thinner, but won't die."

By March 2006, Amnesty International was warning of a "looming humanitarian crisis" in the Gaza Strip due to prolonged closure. In June 2006, the situation intensified when Israel bombed the Gaza Strip's only power plant—which also impacted the water and sewage system—supposedly in response to the capture of Israeli soldier Gilad Shalit. Of course, what else was Israel to do?

After Hamas gained control of the Gaza Strip in June 2007, Israel imposed the harshest closures in order to delegitimize Hamas' rule. Exports were completely barred, and imports were tightly limited. The borders were be shut off completely for extended periods. In October 2007, Israel began cutting the fuel supply into the Gaza Strip.

Clearly indicating that siege was directed at the population of Gaza, Israeli Prime Minister Ehud Olmert expressed that he had no concern about the humanitarian situation imposed by Israel: "As far as I'm concerned, the residents of Gaza can walk if they don't have gasoline for their cars, because they have a murderous terrorist regime that won't let people in the south of Israel live in safety." (*New York Times*, Jan. 23, 2008) Another Israeli official agreed: "The people of Gaza will be uncomfortable and know that life is not normal."

A day later, Olmert added, "There is no justification for demanding we allow residents of Gaza to live normal lives while shells and rockets are fired from their streets and courtyards at Sderot and other communities in the south."

In February 2008, Israel also reduced the supply of electricity into the Gaza Strip.

One of the obligations of the June 19 ceasefire between Hamas and Israel was that the blockade of the Gaza Strip be lifted. This never happened. Hamas chose not to extend the ceasefire because Israel had not met its obligations to lift the blockade and hoped that renewed negotiations would guarantee an end to the siege. (For more info, see the Jan 2008 *Works in Progress* at *www. olywip.org*)

According to Jimmy Carter, who had been involved in attempts to negotiate a new ceasefire between Hamas and Israel in mid-December before the invasion, Israeli officials refused to lift the blockade in any renewed ceasefire. Instead, Israel offered to allow about a hundred trucks of humanitarian and basic supplies through daily. This was much less than the 700 trucks that Carter estimated were allowed through before "disengagement" in 2005, and it was even less than the approximate average 150 trucks allowed through during the 2008 ceasefire. This was a deal that Hamas could not possibly accept, as Israel expected.

> Olmert: "There is no justification for demanding we allow residents of Gaza to live normal lives while shells and rockets are fired from their streets and courtyards at Sderot and other communities in the south."

During the latest invasion of Gaza, as media attention began highlighting what the Red Cross was calling a "full-blown humanitarian crisis," Israel saw an excellent public relations opportunity. While continuing to deny that there was a humanitarian crisis in the Gaza Strip, Israel began taking credit for allowing humanitarian supplies in—never mind the fact that Israel was also the one keeping humanitarian supplies out.

Thus, the Israeli Ministry of Foreign Affairs would issue press releases whenever it opened the crossings for humanitarian relief. It set up live webcams at the Kerem Shalom border crossing. Claiming a humanitarian success, Israel stated on Dec. 31 that "the World Food Programme has informed Israel that they will not be resuming shipment of food commodities in to Gaza due to the fact that their warehouses are at full capacity and will last for approximately two weeks."

However, the London Telegraph reported that "the director of the World Food Programme operation said she was 'furious' when she learned Israel was claiming warehouses were full of supplies. Christine van Nieuwenhuyse said WPF stocks in Gaza showed a 30 per cent shortfall of dry goods such as flour and a much greater shortfall of 'ready-to-eat' goods which are in dire need in Gaza because of the acute shortage of power and gas for cooking."

One of Israel's talking points to curb international criticisms of the ongoing blockade has been to claim that it constitutes a "nonviolent" response to supposed Palestinian aggressions. In this way, it has been a successful method of strangling a population of 1.5 million, while leaving no visible marks that would merit front page news.

Israel can maintain the moral high ground by continuing on insisting that unlike its savage enemies, it does not directly target civilians, all the while engaging in an acceptable slow genocide.

The greatest story ever prepackaged

The IDF knows what's best for the press

Although it was widely reported that Israel had banned journalists from entering the Gaza Strip during its recent invasion, what is less known is that the ban was enacted almost two months before, on Nov. 6, right after Israel broke the ceasefire. Following protests by international press organizations, the ban was somewhat lifted on Dec. 4. Three weeks later, while many foreign journalists were away for the holidays, Israel initiated Operation Cast Lead on Dec. 27, and the ban was fully enacted again. It remained in effect for the duration of the military operation, even after the Israeli Supreme Court ruled on Dec. 31 that foreign journalists should be allowed in. (Israeli journalists had been banned from Gaza long before.)

A few journalists were allowed in during the military operation, but only when embedded with the Israeli military.

Of course, Israel is a democracy, so there must have been a compelling reason to bar journalists from entering "unoccupied" Gaza, right? This is how some Israeli officials justified it:

Maj. Peter Lerner of the Israeli Defense Ministry explained that "journalists running around in between the feet of soldiers puts the soldiers at risk, it puts people at risk and it puts the journalists at risk themselves." (Australian Broadcasting Corporation, Jan. 9)

> "Any journalist who enters Gaza becomes a fig leaf and front for the Hamas terror organization, and I see no reason why we should help that."

On BBC TV, Ron Prosor, the Israeli ambassador to the UK, claimed that the problem of access to Gaza was due to "infighting" in the Foreign Press Association (FPA). The FPA replied that it was "appalled" by Prosor's claim and that it was untrue. (Jan. 7)

Maj. Gen. Yaakov Amidror explained that it was important to keep Hamas lost in the fog of war: "The less Hamas understands, the better." (*New York Times*, Jan. 6)

On the other hand, Daniel Seaman, director of Israel's Government Press Office, laid the blame on—*you guessed it*—Hamas: "Any journalist who enters Gaza becomes a fig leaf and front for the Hamas terror organization, and I see no reason why we should help that." (*New York Times*, Jan. 6) Elsewhere, Seaman expanded on this: "My job is not to be objective….From my perspective, the lesser of two evils is not to have international media inside." (quoted Jan. 15)

Seaman also blamed the problem on the journalists: "They should have been there in the first place," presumably meaning before Israel barred entry on Nov. 6, 2008. Of course—Israel planned far ahead for its invasion of Gaza; why couldn't the press follow suit?

However, after the latest military operation was over, Seaman claimed that there never was a press ban. *Psyyych!!!* Referring to journalists, Seaman stated, "Those spoiled crybabies just didn't want to put a little effort in [to getting into Gaza]….We never arrested anyone who went in, nor are we running after them now." (*Jerusalem Post*, Jan. 25) This was also untrue. Renowned Israeli journalist Amira Hass was arrested by Israel on Dec. 1 for entering the Gaza Strip by boat.

The media blackout of Gaza was complemented with a propaganda blitz explaining Israel's preferred narrative. British journalist Jon Snow revealed that reporters arriving at Israel's Press Accreditation Center for a press pass were treated to an exhibit of Gaza rocket attacks and given a hefty press kit that included publications such as "Hamas Exploitation of Civilians as Human Shields" and a Sderot media booklet prepared by the Israel Project.

The Israel Project (TIP) is a US 501(c)(3) with offices in DC and Jerusalem. Founded by a political PR consultant, TIP boasts an advisory board that includes 22 US Congress members. During the Gaza invasion, TIP regularly sponsored press briefings with government officials in Israel.

The IDF's Film Unit also provided footage of fighting in Gaza to the press. Footage was also offered to the public through a video-on-demand channel and even transmitted to 3G cell phones, not to mention YouTube (see last month's *WIP*). It was also reported that "the IDF has been in regular contact with over 50 major American blogs covering the fighting."

Meanwhile, journalists with Israeli press passes, aside from being barred entry to Gaza, have to contend with the Israeli military censor, which restricts reporting on statements by IDF personnel, IDF casualties, and other military matters. In early January, Israel arrested two Palestinian journalists for reporting on Israel's ground invasion two hours before it was cleared by the censor.

Currently, the military censor is preventing journalists from even naming officers involved in Operation Cast Lead, publishing photographs of them, or tying them to specific actions committed during the military operation. The idea is to protect its military from charges of war crimes by hiding the evidence. One recent *Ha'aretz* interview with an unnamed Israeli Air Force captain had to be conducted with a "minder" from the IDF Spokesman's Office.

Although the international media publicly expressed frustration over these curbs to press freedom, in many cases they went along. For example, a Jan. 10 *New York Times* article entitled "A Gaza War Full of Traps and Trickery" detailed the fighting tactics of both the IDF and Hamas. The IDF tactics were portrayed as heavy-handed yet compassionate, while the Hamas tactics were portrayed as deceitful and exploiting of civilians. Of course, the information on the tactics of both sides were provided by the IDF.

Meanwhile, when Jon Snow questioned Israeli spokesperson Mark Regev about Israel's use of white phosphorus, flechettes, and DIME weapons, Regev skirted around the issue and claimed that reports by Palestinian civilians could not be trusted, because Hamas was pulling their strings and the Gaza Strip was an "authoritarian regime" comparable to North Korea.

What it boils down to is that it takes a firm control of the media to portray Israel correctly. The conundrum was succinctly expressed by former Israeli press advisor Uri Dromi, who told the *London Times*, presumably with a straight face: "When you have a Palestinian kid facing an Israeli tank, how do you explain that the tank is actually David and the kid is Goliath?"

Cynically yours, Hamas

The Al-Fakhoura school massacre as a case study

On Jan. 6, Israeli forces shelled the UN al-Fakhoura school in Jabaliya, one of three UN schools attacked by Israeli forces within a 24-hour period. 42 people were killed in the attack on al-Fakhoura, where 400 people were seeking refuge. Initially, Israel claimed that it was responding to firing from inside the school compound.

First, Israel claimed that "a number of mortar shells were fired at IDF forces from within the Jabaliya school" and that Israeli forces returned fire in self defense. "Hamas cynically uses civilians as human shields." A follow-up Israeli press release claimed that "amongst the dead at the Jabalya school were Hamas terror operatives and a mortar battery cell who were firing on IDF forces in the area. Hamas operatives Imad Abu Askhar and Hassan Abu Askhar were amongst terrorists that were identified to be killed."

IDF Capt. Benjamin Rutland, reporting from YouTube

IDF Capt. Benjamin Rutland reported on the IDF YouTube Channel, "The Hamas had cynically used the school, where a number of civilians were taking refuge, as the location to fire on the IDF. This is a breach of international law and a continuation of the cynical use that the Hamas is making of the civilian population in Gaza. Amongst the dead were a number of civilians, but there were also Hamas terror operatives, including the mortar launching squad and the known terrorists, the Abu Askhar brothers."

IDF spokesperson Maj. Avital Leibovich said, "There were quite a few Hamas militants inside the school and they were launching rockets at our force." IDF Brig. Gen. Avi Benayahu added, "We face a very delicate situation where Hamas is using the citizens of Gaza as a protective vest." Israeli spokesperson Mark Regev stated that this was a "very extreme example of how Hamas operates....If you take over—I presume with guns—a UN facility. If you hold the people there as hostages, you shoot out of that facility at Israeli soldiers in the neighbourhood, then you receive incoming fire—I think that's a war crime under international law." Regev also claimed that when Israeli forces struck back at the school in self-defense, "there were explosions out of proportion to the ordnance we used," suggesting that there may have been ordinances from inside the school that were set off when Israel returned fire.

The day after the attack, Leibovich provided more detail: "The information that we have is that there was the launching of a mortar from the school's yard towards one of our forces. Our forces retaliated but it turned out that the school was booby trapped and as a result of our retaliation, everything flared up. There were a lot of secondary explosions from which probably those people were wounded. Now, this is not the first time that Hamas is using children as human shields. We saw it a few months ago in another elementary school....In addition, Hamas militants are holding kids in their hands when they're fleeing from one place to another, once again to protect themselves from any possibility of getting hit."

Hamas dismissed the charges as "baseless....There was no fire from any kind at the school."

Israel accused Hamas of "making every effort to cover up the details of the incident." A spokesperson from the Israeli Embassy in the US stated that "Hamas has once again cynically chosen to use civilian sites from which to operate, thus endangering the safety of innocent civilians....This is not the first time that Hamas has fired mortars and rockets from schools, which deliberately uses civilians as human shields in their acts of terror."

Israel even threatened to file a complaint with the UN over the Hamas' military use of UN schools. To bolster its case, the IDF provided video footage to the public. The video was dated 2007.

However, a preliminary UN investigation concluded that "we're 99.9% sure that no militants were at the school." By Jan. 8, two days after the attack, Israel privately admitted to foreign diplomats that there were no militants firing from the school. Its new story was that Hamas militants were firing from near the school. Israeli forces responded with mortars at the source, which was not the school, but one errant mortar shell accidentally struck the school.

Nevertheless, IDF officers expressed skepticism at the number of dead, referencing the 2006 war on Lebanon and implying that Arabs tend to inflate the numbers of their dead.

Three weeks later, the Israeli Ministry of Foreign Affairs published a FAQ, in which it denied that it had changed its story about the al-Fakhoura school attack. Rather, it had "corrected minor discrepancies," "incongruities" that "were indeed insignificant." Of course. There were some "minor discrepancies," such as the false claims that Hamas had "take[n] over...a UN facility...hold[ing] the people there as hostages," "cynically" "using children as human shields," booby trapping the school, committing a "war crime," and so on. Moreover, its threat to file a complaint with the UN was "indeed insignificant."

The FAQ then reminded readers to be careful, because Hamas propaganda was everywhere. "It is no secret that Hamas used human shields as one of its primary tactics.... Hamas recruited civilians, indoctrinated them, and publicly bragged about it....Gaza's hospitals are now staffed only with Hamas supporters." Everyone you know has been kidnapped by Hamas and been replaced with a clone. "[E]xtreme caution should be exercised concerning statistics emanating from Gaza."

All of this is contrasted to Israelis who "were profoundly pained by the sight of dead children" and the Israeli Prime Minister, who "officially expressed his deep sorrow over the civilian casualties."

The FAQ ends with quotes from the Hamas charter of 1988.

But enough about me. What about Hamas?

On the same day that Israel attacked the al-Fakhoura UN school, CNN correspondent Finnoula Sweeney interviewed IDF spokesperson Maj. Avital Leibovich about the incident. Note how Leibovich's answer to everything is "Hamas uses human shields." One would expect that since Hamas seems to use human shields so often, there would be much photographic evidence documenting it. When was the last time you saw photos of Hamas using human shields?

LEIBOVICH: This is a war in where someone is shooting at you, you retaliate. Now we know that **Hamas is often using civilians as human shields**.

SWEENEY: So did you know there were civilians in the school?

LEIBOVICH: I cannot answer right now about this because, you know, we cannot investigate every single incident in the middle of the fighting. However, I do know that many times **Hamas** militants choose to hold in their arms **children for them to serve as human shields**. And I also know that **Hamas** located a lot of **rockets in civilian areas, in mosques and in other places**.

SWEENEY: So if by definition that you're unable to check the number of— whether or not there are civilians within a school, it means, because of the early stage of the investigation, does that by definition mean you didn't check whether there were civilians in the school when you returned fire?

LEIBOVICH: [*crosstalk*] here's the information I can give you now because this is only the initial investigation. However, our experience definitely shows us that **from civilian places Hamas** is using for **terror activities**.

SWEENEY: Sure, but it doesn't really work in Israel's interests if huge numbers, or any number of civilians are killed.

LEIBOVICH: We did not want to be in a situation like this, but **Hamas targeted us for eight years**. That's why we're initiating the operation.

SWEENEY: But surely it cannot be to Israel's advantage to have this kind of, what one might call—for want of a better word—collateral damage.

LEIBOVICH: Well, when **Hamas chooses to locate civilians in areas filled with ammunition** around it, then **Hamas** should be accountable.

SWEENEY: When the IDF returned fire, because you believe the fire came from the schoolyard, was it directed at the schoolyard, or was it directed at the school?

LEIBOVICH: As I say, it's too soon. It's only the first part of the investigation. I'm sure we'll learn more details as the day continues. However, we know for a fact that many times, **Hamas cynically uses children and women as human shields**.

SWEENEY: Were you aware that people were allowed—sorry, excuse me. Were you aware that there were people in the school? That's what I'm trying to determine.

LEIBOVICH: I don't have that information right now. I can only give you my previous experience. A few months ago, from another elementary school, an UNRWA elementary school, **Hamas** militants were **firing rockets at Israeli civilians**. So we have a history already of using **schools as launching pads**.

[*Discussion moves on to another subject, and then...*]

SWEENEY: So essentially, just to go back to the subject I'm primarily talking to you about, which is the school and the targeting of the school, you say the initial investigation has been carried out. When can we expect the full details to be released?

LEIBOVICH: Shortly.

SWEENEY: As in?

LEIBOVICH: We're in the middle of the fighting. I cannot give you a specific hour and time. However, I'm wondering why don't you ask **Hamas** whether he conducted any investigation for the **past eight years** of targeting Israelis?

SWEENEY: Sure, but that's for another time and another interview and another slot....

The interview is available online at: *http://www.cnn.com/video/?/video/world/2009/01/06/sot.leibovich.idf.gaza.cnn*

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When will Washington eliminate capital punishment?

by Chuck Schultz

We have all heard arguments for and against the death penalty. What would we find if we examined just the facts, instead? For example, between 1999 and 2003, Washington state spent an average of $700,000 on each death penalty case, while the cost of non-death penalty cases was $160,000. All but one death penalty conviction was overturned upon appellate review.

When New Jersey agreed to abolish the death penalty one year ago, it was found that in the last 24 years the state had spent $253 million more on death penalty cases than it would have if they had been non-death penalty cases. During that period, New Jersey never executed one prisoner.

From county to county and from state to state, prosecutors differ in their eagerness to ask for the death penalty. Therefore, where one lives affects the type of punishment they receive. One of the big reasons prosecutors do not ask for the death penalty is the cost. Another problem is that the decision to conduct death penalty trials is strictly in the hands of the local prosecuting attorney.

> All but one death penalty conviction was overturned upon appellate review.

You might, at first, think that death penalty appeals are frivolous or based on technicalities. However, when the Washington State Supreme Court and the Federal Appellate Court looked at the record, they found prosecutor misconduct, trial errors, and inadequate defense counsel. Nationwide, trial errors often result in false convictions or inappropriate sentences. Witnesses often make erroneous eyewitness identification. Perjury is the most frequent cause of overturned verdicts. Prosecutors' misconduct may include plea-bargained false testimony and false confessions, as well as outright withholding of evidence. Judges sometimes give improper jury instruction or make improper decisions on admissibility of evidence. Some of the misconduct and trial errors would be prevented if the state appointed defense counsel had experience in death penalty cases.

> Nationwide, trial errors often result in false convictions or inappropriate sentences.

There are more errors in death penalty trials than in other kinds of felony cases. In violent crimes, most cases result either in confessions or dismissals. Prosecutors rarely take an assault or a robbery case to trial without having strong evidence. Death penalty cases always go to trial, even without ironclad evidence. Prosecutors always want to win, and in murder cases there is greater pressure from the media, the victim's family, the DA, and potential voters. When prosecutors feel sure the suspect is guilty but the evidence is weak, there is a tendency to accept questionable testimony or even withhold evidence that would help the defendant. In addition, the prosecutor is likely to encourage testimony that will benefit the prosecution's case. In order to have their own situation improved, jailhouse snitches will often make up a story purported to be something the defendant told them.

The recent case of Troy Davis from Georgia's death row brings to mind some of these problems. Seven of nine witnesses who testified at his trial have since recanted their testimony. One who has not recanted may be the actual murderer. Evidence against this witness could set Davis free. The prosecutor and the courts involved are reluctant to allow presentation of more evidence since they feel the case has been satisfactorily resolved. Additionally, the rules do not require the examination of further evidence.

Death row inmates often have difficulty getting their appeals heard. Of the first 100 prisoners who were exonerated since 1976, the average spent seven years in prison before being released. In four recent exonerations, defendants spent an average of 12 years on death row. When convictions are overturned, and prisoners are released, rarely do they receive any compensation for their wrongful incarcerations.

The death penalty results in wrongful convictions, it is applied both racially and arbitrarily, it does not deter crime, and it needlessly costs millions of dollars. One reason for the death penalty is the desire to inflict severe punishment. Wouldn't it be better to focus on justice? Money spent on death penalty trials could be spent on programs that reduce crime. Research shows that there are many programs that reduce criminal activity, including programs for prisoners and programs for underprivileged or at risk youth and children.

Chuck Schultz is a long-time Olympia resident who is currently on the Fellowship of Reconciliation's Committee for Alternatives to the Death Penalty.

The Olympia Zeitgeist: A Psychological Analysis

by John Van Eenwyk

It's all about image. Not just visual ones, but those that engage all of our senses, that compel our attention, that refuse to let us go. We call them symbols.

Symbols are a combination of us and our environment. Environment supplies the content of the image, we supply the meaning. Together, content and meaning become symbols. They are impossible to ignore. They move us to action. We are either attracted or repelled by them.

Symbols affect individuals and groups. Consider status symbols, which promise to invest us with importance if we pursue the images they infuse. For the one who wishes to attract attention, a car may not be just a car. It's a symbol of status. Likewise, for a group that wishes to broadcast its power, a fighter jet may be just the ticket.

Symbols generate zeitgeist, or the "spirit of the times." Too often, however, we have no idea of how powerfully symbolic images are influencing our perspectives and behaviors. Then, we tend to feel buffeted about by fate, destiny, luck, God, or even one another. Life becomes either confusing or revelatory, hostile or promising, lousy or fine.

How symbols generate zeitgeist is a major preoccupation of religion, philosophy and (our topic of the moment) psychology. Let's take a look at the current images that occupy our attention with an eye toward figuring out Olympia's zeitgeist. As we look at the symbols that generated the energy that made Olympia what it is today, and as we consider whether and how those symbols have morphed into new ones, it may become apparent that something very interesting is going on in our town. If so, it's likely to be rather complex.

Generating Symbols

Let's begin with Annie Dillard's description that begins her book *The Living*:

"It was the rough edge of the world, where trees came smack down to the stones. The shore looked to Ada as if the corner of the continent had got torn off right here, sometime near yesterday, and the dark trees kept on growing like nothing happened. The ocean just filled in the tear and settled down. This was Puget Sound, and some straights that Rooney talked about, and there was not a thing on it or anywhere near it that she could see but some black ducks and hungry green islands. Salt water wet Ada's shoes if she stood still. Away out south over the water she made out a sharp line of snow covered mountains. From the boat she had seen a few of such mountains poking up out of nowhere, including a big solitary white mountain that they had sailed towards all morning, that the forest now hid; it looked like its sloping base must start up just back there behind the first couple rows of trees. God might have created such a plunging shore as this before He thought of making people, and then when He thought of making people, He mercifully softened up the land in the palms of his hands wherever He expected them to live, which did not include here."

Sound familiar? Does it resonate with our first glimpses of the splendor of Puget Sound? The environment here provides ample content for symbols. But what about their meaning?

Remember that symbols consist of meaningful images. Environment provides the stuff of the images. We provide the meaning. In reviewing the history of Olympia, we can see quite easily what constituted the content of the symbols that compelled people's perceptions and behaviors: like Jamaicans, we live in a "land of wood and water." Just what that wood and water meant to people, however, depends on which people we're talking about.

Three meanings

We'll begin with ourselves. How did you feel when you read Dillard's description? Wonder, intrigue, mystery, respect—even reverence? How about apprehension, foreboding, fear, disenchantment—even hostility? Or maybe opportunity, challenge, excitement, yearning—even craving?

These three sets of feelings pretty much characterize the most powerful approaches to Puget Sound: preservation, destruction and exploitation. From the moment the Europeans arrived here until the present, these three forces have churned the waters of Puget Sound. Sometimes, allegiances are formed among them. More often, they erupt into conflicts. None ever wins out. They exist in eternal struggle. They generate symbols that mobilize the energies of virtually everyone who lives here.

While those symbols all use the same images of wood and water, different groups invest them with different meanings. What generates reverence in some generates hostility in others. Still others are moved to take advantage of what they see as the opportunities awaiting to be realized in wood and water. Viewing exactly the same thing, different groups see different symbols.

Just how the three groups have found their views of Puget Sound determined by the meanings they've invested in its images is the subject of our discussion. Stay tuned in the months ahead as we link images of wood and water to the zeitgeist of present-day Olympia.

We'll see that in many ways little has changed since the first Europeans discovered the place. But we'll also see how over time symbols come and go. We must always be aware that clinging to the symbols of the past blinds us to the symbols of the present.

The zeitgeist of Olympia has changed. We no longer live in the nineteenth and twentieth centuries. The meaning of wood and water in our lives has changed. If we cannot see that, we are out of synch with the zeitgeist. As we noted at the beginning of this essay, we are in danger of living lives of frustration and misery. We may even blame each other for it, rather than look into a mirror and recognize the true origin of our suffering.

'Til next month...

John Van Eenwyk is a clinical psychologist and a psychoanalyst in Olympia, and a priest at St. Benedict's Episcopal church in Lacey. He is the clinical director and founder of the International Trauma Treatment Program in Olympia

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It's time to free Leonard Peltier

by Bob Fitrakis and Harvey Wasserman

The welcome news that President Obama is taking steps to shut Guantanamo and right other Bush-era human rights abuses must quickly be joined by a proclamation of freedom for Leonard Peltier.

Peltier is the nation's best-known native activist and has become a global symbol of abject injustice and prison abuse. Imprisoned in the late 1970s for allegedly murdering two FBI agents, Peltier was never given a fair trial. Federal authorities have quashed or destroyed thousands of pages of evidence that might have freed Peltier decades ago.

The Leonard Peltier Defense Offense Committee points out that "Amnesty International considers Leonard Peltier to be a political prisoner whose avenues of redress have long been exhausted....Amnesty International recognizes that a retrial is no longer a feasible option and believes that Leonard Peltier should be immediately and unconditionally released."

The committee adds that "Documents show that although the prosecution and government pointed the finger at Peltier for shooting FBI agents at close range during the trial in 1976, for three years the prosecution withheld critical ballistic test results proving that the fatal bullets could not have come from the gun tied to Leonard Peltier. This trial also denied evidence of self defense."

The committee further states that: "The US Prosecutor, during subsequent oral arguments, stated: "'We can't prove who shot those agents.'" And that the Eighth Circuit found that "There is a possibility that the jury would have acquitted Leonard Peltier had the records and data improperly withheld from the defense been available to him in order to better exploit and reinforce the inconsistencies casting strong doubts upon the government's case."

The committee also says that "Judge Heaney, who authored the denial now supports Mr. Peltier's release, stating that the FBI used improper tactics to gain Mr. Peltier's conviction."

Now 64-years-old, Peltier is suffering from diabetes and a series of other serious ailments brought on by his decades in prison. He has great grandchildren he has never seen. His case is the centerpiece of the book *In the Spirit of Crazy Horse* by Peter Matthiessen.

Reports from Betty Peltier-Solano, Leonard's sister, now assert that Peltier was severely beaten during a recent transfer to the Canaan Federal Penitentiary. According to Peltier-Solano, he has been held in solitary confinement and limited to a single meal a day, a serious threat to his health due to his diabetes.

Over the decades Peltier has been a model prisoner, concentrating on his art and writing. His commitment to native American rights has been consistent throughout the years, though he's been repeatedly denied media access.

Peltier is eligible for parole in the near future. His supporters fear this latest round of abuse may be designed to discredit him. The FBI recently sent a letter accusing Peltier of prompting this latest attack. Given Peltier's age, poor health, imminent parole status and long-standing political commitments cannot be viewed as a calculated absurdity. His sister writes that "currently, the FBI is actively seeking support for his continued imprisonment."

The political involvement of the FBI is itself an issue the President must address. At the very least Peltier should be freed on bail pending a new trial, with a concerted effort on the part of the new Department of Justice to unearth all suppressed evidence in this case.

Leonard Peltier has languished unjustly in prison far longer than those held in Guantanamo. It is time to set him free!

To find out more, contact the Leonard Peltier Defense Offense Committee at www.whoisleonardpeltier.info. Bob Fitrakis & Harvey Wasserman have co-authored four books on election protection, available at freepress.org, along with Bob's Fitrakis Files. *Harvey's* Solartopia! *is at harveywasserman.com.*

▸ **KARMA** continued from page 3

together another group, the Citizens for a Responsive Local Government Endorsement Committee (CRLG). The group includes several people who have been actively engaged in opposing the rezone, as well as other community members who haven't. CRLG plans to seek out and support candidates who would bring a calmer, more civil ethos to the next Olympia City Council. Although the council's disregard for the concerns of the public regarding the isthmus rezone was the catalyst for forming this group, its aim is to do more than respond to the isthmus issue.

"Lots of people are upset about things some council members have done in the last year," says Curtz, "especially voting to rezone the isthmus before they even looked at the park initiative and trading emails, stage managing meetings and insulting people during council sessions." Curtz sees the aim of the CRLG as "working to focus and organize that widely shared dissatisfaction to help elect new councilmembers in November—members who who'll represent more people more responsively and more civilly." Although the CRLG currently has no fundraising plans, it is possible that it or some of its members will continue to support candidates in material ways as the November 2009 council election approaches.

One candidate, Karen Veldheer, the tenacious Cooper Crest resident who has been sparked into activism by the city's lack of response to the environmental problems in her neighborhood, announced her candidacy at the Coalition of Neighborhood Association Steering Committee meeting on January 26. "I think things can be done better," she said recently, "and I'd like to help. I will listen to all sides and do what is best for the the city. That should be the goal of the city council—to listen to everyone, and then make decision based upon the feedback they receive." *Works In Progress* is planning an in-depth interview to explore Veldheer's qualifications and policy positions for office in the near future.

To be placed on the Dep. of Ecology's Interested Parties list for the isthmus amendment, send your name and street address to slan461@ecy.wa.gov. Send donations to the Capitol Park Foundation's legal fund to Capitol Park foundation, c/o Jeff Jaksich, 812 San Francisco Ave NE, Olympia, WA, 98506

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Support local families affected by ICE raids

by Andrew Trump, Ellen Shortt-Sanchez and Jean Eberhardt

Our current immigration policy is broken, unjust, and inhumane.

In the past 18 months, over 100 individuals in the South Puget Sound area have been arrested by ICE (Immigration and Customs Enforcement), some in raids on their apartment buildings or workplaces, others in smaller "operations" at their homes or while shopping at the supermarket. While ICE claims it is rounding up "criminal aliens," it is in fact terrorizing immigrant communities and separating thousands of families across the country. In many cases, these arrests and detentions not only separate parents from families and take away families' source of income, they put in jeopardy the hopes and dreams that brought parents and children across dangerous borders and far from home communities to make a better life for themselves, just like the many immigrants to America that came before them.

Veronica's family

Veronica is a young mother of two toddlers in Mason County. Her family relies on earnings from work in the woods, harvesting brush for the florist industry. The family came from Todos Santos, Cuchumatan, Guatemala in 2000, leaving their poverty stricken village to look for work. Though the Peace Accords were signed there in 1996 at the end of the civil war, peace in the form of employment has not come to Guatemala. Desperate Guatemaltecos risk their lives to cross borders and deserts to find ways to survive.

Last fall, Veronica's family endured immigration raids in the forest, that terrorized the children and put seven adult housemates in detention in Tacoma. This is the first step towards deportation. During the raid, Veronica and her children approached their family members to hug them; immigration officials ripped them apart and arrested the men. Her children continue to fear officials in uniform, crying and screaming that they will hurt them. For almost five months, the family has struggled to pay rent and keep the children fed, with only two adults remaining. They may be forced to move, yet rentals are hard to come by because many immigrants face discrimination and barriers from being undocumented. Basic survival assistance is critical to keep the family from going under while they wait out the legal proceedings of their incarcerated family members.

A fundraiser event on Feb. 20

Local immigrant rights group Bridges Not Walls, with support from the Community Sustaining Fund of Thurston County and the Olympia Unitarian Universialist Social Justice Committee, will host a fundraiser for families in the area that have been affected by recent ICE raids and arrests. Raúl Añorve, an immigrant rights activist from Southern California, will speak about the state of the immigrant rights movement in our country and the responsibility of each of us as individuals to make change in our communities. There will be a local speaker on the impact of immigration enforcement in our area, as well as live music.

Añorve is the director of IDEPSCA (Institute for Popular Education of Southern California) whose mission is 'to create a more humane and democratic society by responding to the needs and problems of disenfranchised people through leadership development and educational programs based on popular education methodology. Specifically... to organize and educate immigrants concerned with solving problems in their own communities.' Añorve was a leader of the "Fast for Our Future" hunger strike for immigrant rights in Los Angeles. The 21-day strike that began on Oct. 15 brought together over 100 people in one of the largest hunger strikes in US history to call on Latinos, immigrants, and people of conscience—the Immigrant Rights Movement—"to rise out of our fear" and vote for immigrant rights on Nov. 4, then take action to hold the next government accountable (www.idepsca.org). With the election and inauguration now behind us, the Obama administration must be pressured to pass an immigration legislation that allows hard working immigrants to live without fear while contributing to the well-being of this society.

Bridges Not Walls is a coalition of community members who have united to address issues of immigration in our community in the face of increased federal immigration enforcement activity. We believe immigrants, regardless of legal status, deserve to be treated with dignity. We seek to make our communities a place where the contributions of immigrants are valued and respected. Recently, we have been working to develop a local response plan to future ICE raids as well as building support for affected families with legal and modest financial assistance. We have been a presence at monthly detention center vigils in Tacoma and active in documenting human rights abuses locally and on the Olympic Peninsula. To learn more, visit www.oly-wa.us/bridges.

We hope you can join us Feb. 20 6:30 PM at St. John's Episcopal Church (on Capitol Way at 19th Ave) for an evening of shared ideas, struggle, and hope. If you can, please contribute a donation of $8 to $10; any and all amounts are greatly appreciated and will go, in full, to local families impacted by ICE detentions and deportations.